

AMENDED IN ASSEMBLY JUNE 9, 2004

AMENDED IN SENATE MAY 25, 2004

AMENDED IN SENATE APRIL 26, 2004

AMENDED IN SENATE MARCH 30, 2004

SENATE BILL

No. 1488

Introduced by Senator Bowen

February 19, 2004

An act to amend Section 583 of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1488, as amended, Bowen. Public Utilities Commission: public information.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities. ~~Every~~ *Existing provisions of the Public Utilities Act require every public utility is required* to furnish reports as the commission may require. *Existing law, with certain exceptions, requires each electrical corporation subject to regulation by the commission to submit prescribed procurement plans for review and approval by the commission. Existing law requires the commission to adopt procedures to ensure confidentiality of market sensitive information in proposed procurement plans or resulting from, or related to, procurement plans approved by the commission, including procedures for access by the Office of Ratepayer Advocates and consumer groups that are nonmarket participants.* No information furnished to the commission by a public utility, except those matters specifically required to be open to public inspection, are open to public

inspection or made public except by order of the commission or a commissioner in the course of a hearing or proceeding. ~~Any present or former officer or employee of the commission who divulges any information in violation of these provisions is guilty of a misdemeanor.~~

~~This bill would provide that all information furnished to the commission by a public utility, except those matters specifically required to be closed to public inspection, are open to public inspection and may not be withheld from public inspection except by order of the commission or a commissioner in the course of a hearing or proceeding. The bill would require the commission to designate by order that a category of information is confidential if the commission finds that the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure. The bill would further provide that any present or former officer or employee of the commission who divulges information made confidential by the commission is guilty of a misdemeanor.~~

This bill would require the commission to initiate proceedings to examine its practices with respect to these confidentiality requirements and the California Public Records Act to ensure that these practices provide for meaningful public participation and open decisionmaking.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 583 of the Public Utilities Code is~~
- 2 *SECTION 1. The Public Utilities Commission shall initiate a*
- 3 *proceeding to examine its practices under Sections 454.5 and 583*
- 4 *of the Public Utilities Code and the California Public Records Act*
- 5 *(Chapter 3.5 (commencing with Section 6250) of Division 7 of*
- 6 *Title 1 of the Government Code) to ensure that the commission's*
- 7 *practices under these laws provide for meaningful public*
- 8 *participation and open decisionmaking.*
- 9 ~~amended to read:~~
- 10 ~~583. (a) All information furnished to the commission by a~~
- 11 ~~public utility, or any business which is a subsidiary or affiliate of~~
- 12 ~~a public utility, or a corporation which holds a controlling interest~~
- 13 ~~in a public utility, except those matters specifically required to be~~
- 14 ~~closed to public inspection by this part, shall be open to public~~
- 15 ~~inspection and may not be withheld from public inspection except~~



1 ~~on order of the commission, or by the commission or a~~
2 ~~commissioner in the course of a hearing or proceeding.~~

3 ~~(b) If the commission finds there is a category of information~~
4 ~~where the public interest served by not disclosing the information~~
5 ~~clearly outweighs the public interest served by disclosure of the~~
6 ~~information, the commission, by order, shall designate that~~
7 ~~category of information as confidential.~~

8 ~~(c) Any present or former officer or employee of the~~
9 ~~commission who divulges information made confidential by the~~
10 ~~commission is guilty of a misdemeanor.~~

11 ~~(d) Nothing in this section authorizes the disclosure of~~
12 ~~information that is determined by the commission to be either of~~
13 ~~the following:~~

14 ~~(1) Information exempt from disclosure under the California~~
15 ~~Public Records Act (Chapter 3.5 (commencing with Section 6250)~~
16 ~~of Division 7 of Title 1 of the Government Code).~~

17 ~~(2) Market sensitive information, including, but not limited to,~~
18 ~~information the commission determines is protected pursuant to~~
19 ~~Section 454.5.~~

